

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DERRICK L. JOHNSON,

:

Petitioner,

Case No. 3:15-cv-90

- vs -

District Judge Walter H. Rice
Magistrate Judge Michael R. Merz

CHARLES BRADLEY, Warden,
Pickaway Correctional Institution,

Respondent.

:

**ORDER ADOPTING THIRD SUPPLEMENTAL REPORT AND
RECOMMENDATIONS**

The Court has reviewed the Third Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 81), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Third Supplemental Report and Recommendations.

Accordingly, it is hereby ORDERED that Petitioner's Motion for Relief from Judgment Pursuant to Civil Rule 60(b)(1)(ECF No. 62) is DENIED. Because reasonable jurists would not disagree that the Motion should be denied, Petitioner is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis. This case will remain closed on the Court's docket.

February 15, 2019.



Walter Herbert Rice
United States District Judge